

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANSON KLINGER,

Defendant.

MOTION FOR EARLY TERMINATION OF PROBATION

ANSON KLINGER, the Defendant, by and through undesigned counsel hereby files his Motion for Early Termination of Probation and as grounds therefore would state the following:

1. On April 10, 2002, ANSON KLINGER was sentenced by this Court to three years probation with a special condition of One Hundred Eighty (180) days of home confinement. Mr. Klinger was sentenced for a violation of 18 U.S.C. 1084, the transmission of wagering information. Attached hereto is a copy of the Judgement and Sentence in this matter.

2. As of the filing of this motion Mr. Klinger has completed over half of his probation and has completed all of the special conditions.

3. Undersigned Counsel has spoken to Marisa Denebe, the defendant's probation officer and she has advised that she would defer to the court as to this motion.

4. Undersigned counsel has also spoken to A.U.S.A. Diana Fernandez and she has an objection to the filing of this motion because Mr. Klinger received a reprimand during his probationary period. This reprimand was issued in March 2003 for a minor issue that consisted of the defendant speaking to a childhood friend who is incarcerated with the Bureau of Prisons. This

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person called the Defendant, out of the blue, to ask him if he could reside with him when he was released. Mr. Klinger immediately called his probation officer and advised him of the telephone call. His probation officer advised him that he was not allowed to have any communication with anyone who is incarcerated. The Defendant was not aware that this was against the rules. Mr. Klinger has not had any other contact with this person nor does he have any other reprimands on file.

WHEREFORE, Defendant ANSON KLINGER, respectfully requests that this Court grant an Early Termination of Probation in this matter.

Respectfully Submitted,


JOSEPH S. ROSENBAUM, ESQUIRE
Florida Bar No. 240206

JOSEPH S. ROSENBAUM, P.A.
2400 SOUTH DIXIE HIGHWAY
SUITE 105
MIAMI, FLORIDA 33133
TEL: (305) 858-7377
FAX: (305) 858-7299

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished this December 23, 2003 to: Diana Fernandez, Assistant U.S. Attorney, 500 East Broward Boulevard., Ft. Lauderdale, Florida 33394 and to Marisa Denebe of U.S. Probations, 299 East Broward Boulevard, Room 409, Ft. Lauderdale, Florida 33301 this 23rd day of December, 2003.


JOSEPH S. ROSENBAUM, ESQUIRE

United States District Court
Southern District of Florida
 MIAMI DIVISION

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

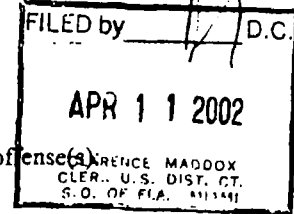
(For Offenses Committed On or After November 1, 1987)

v.

Case Number: 00-6309-CR-SEITZ/013

ANSON KLINGER

Counsel For Defendant: Joseph Rosenbaum, Esq.
 Counsel For The United States: Brian McCormick, AUS
 Court Reporter: David Ehrlich



The defendant pleaded guilty to Count One of the Third Superseding Information.
 ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>TITLE/SECTION NUMBER</u>	<u>NATURE OF OFFENSE</u>	<u>DATE OFFENSE CONCLUDED</u>	<u>COUNT</u>
18 U.S.C. 1084	Transmission of wagering information	9/30/2000	One

The defendant is sentenced as provided in the following pages of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

All counts of Second Superseding Indictment relating to this Defendant are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No. 262-52-6353
 Defendant's Date of Birth: 2/8/1940
 Deft's U.S. Marshal No.: 55524-004

Date of Imposition of Sentence:
 April 10, 2002

Defendant's Mailing Address:
 5334 Sapphire Valley
 Boca Raton, FL 33486

Defendant's Residence Address:
 5334 Sapphire Valley
 Boca Raton, FL 33486

PATRICIA A. SEITZ
 United States District Judge

April 11, 2002

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DEFENDANT: ANSON KLINGER
CASE NUMBER: 00-6309-CR-SEITZ/013

PROBATION

The defendant is hereby sentenced to probation for a term of 3 years.

While on probation, the defendant shall not commit another federal, state, or local crime.
The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter.

The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below).

The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1. the defendant shall not leave the judicial district without the permission of the court or probation officer;
2. the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
3. the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
4. the defendant shall support his or her dependents and meet other family responsibilities;
5. the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
6. the defendant shall notify the probation officer **at least ten (10) days prior** to any change in residence or employment;
7. the defendant shall refrain from the excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
8. the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
9. the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
10. the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
11. the defendant shall notify the probation officer within **seventy-two (72) hours** of being arrested or questioned by a law enforcement officer;
12. the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
13. as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ANSON KLINGER
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SPECIAL CONDITIONS OF SUPERVISION

The defendant shall also comply with the following additional condition(s) of probation:

The defendant shall participate in the Home Detention Electric Monitoring program for a period of **180 Days**. During this time the defendant shall remain at his place of residence except for employment and other activities approved in advance by the U.S. Probation Officer. The defendant shall maintain a telephone at his place of residence without call forwarding, call waiting, a modem, caller ID, or call back/call block services for the above period. The defendant shall wear an electronic monitoring device and follow the electronic monitoring procedures specified by the U.S. States Probation Officer. In addition, the defendant shall pay costs of electronic monitoring at the rate of \$4.25 each day.

The defendant shall provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer.

DEFENDANT: ANSON KLINGER
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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in the Schedule of Payments.

Total Assessment

\$100.00

Total Fine

\$

Total Restitution

\$

*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A. Lump sum payment of \$100.00 due immediately.

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The assessment/fine/restitution is payable to the U.S. COURTS and is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
301 N. MIAMI AVENUE, ROOM 150
MIAMI, FLORIDA 33128**

The assessment/fine/restitution is payable immediately. The U.S. Bureau of Prisons, U.S. Probation Office and the U.S. Attorney's Office are responsible for the enforcement of this order.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANSON KLINGER,

Defendant.

ORDER GRANTING MOTION FOR EARLY TERMINATION OF PROBATION

THIS CAUSE having come on to be heard upon Defendant ANSON KLINGER'S Motion for Early Termination of Probation, and this Court, having read the Motion and being duly advised in all premises, it is hereby

ORDERED AND ADJUDGED that the Defendant's Motion for Early Termination of Probation is hereby GRANTED and the Defendant's probation shall be terminated.

DONE AND ORDERED in Miami, Florida, this ____ day of December, 2003.

PATRICIA A. SEITZ

cc: Joseph S. Rosenbaum/(305)858-7299
Diana Fernandez, A.U.S.A./ (954)356-7230
Marisa Denebe, U.S. Probations